

1 P-R-O-C-E-E-D-I-N-G-S

2 (11:20 a.m.)

3 CHAIRPERSON ANDERSON: All right, the
4 next case that we have is case number
5 22-PRO-00035, VIP Lounge, License No. 119910.
6 Ms. Fashbaugh, and can you please elevate the
7 other parties in this case please?

8 MS. FASHBAUGH: Please stand by
9 Richard Bianco, your rights have been elevated.
10 And Elaine Johnson is not present.

11 CHAIRPERSON ANDERSON: Is Mr. Johnson
12 from the same ANC, Mr. Orlaskey?

13 MR. ORLASKEY: Mr. Johnson represents
14 the WNA, the Westminster Neighborhood
15 Association.

16 CHAIRPERSON ANDERSON: I apologize.
17 So is Mr. Johnson --

18 MR. ORLASKEY: I believe that, that
19 these were combined. I'm not sure if that's been
20 done yet, but I think that, that might be the
21 confusion

22 CHAIRPERSON ANDERSON: I'm sorry.

1 What? What, sir?

2 MR. ORLASKEY: So the, yes, there were
3 originally two protests. This was combined into
4 one protest with the ANC and the WNA together.
5 So I am appearing on behalf of the protestants.

6 CHAIRPERSON ANDERSON: Mr. Bianco --
7 all right, hold on. Let me, all right let have
8 the parties then present themselves. And then we
9 can address the other.

10 MR. BIANCO: Sure, Richard Bianco.

11 CHAIRPERSON ANDERSON: Mr. Bianco can
12 you please, hold on. Can you spell and state
13 your name for the record and your interest in
14 this case.

15 MR. BIANCO: Yes. Richard Bianco, for
16 the applicant. First name, R-I-C-H-A-R-D, last
17 name, B-I-A-N-C-O.

18 CHAIRPERSON ANDERSON: Good morning.
19 Mr. Orlaskey, can you please identify yourself
20 for the record, please.

21 MR. ORLASKEY: Sure. Daniel Orlaskey,
22 D-A-N-I-E-L, O-R-L-A-S-K-E-Y, Commissioner for

1 ANC 1B02.

2 CHAIRPERSON ANDERSON: All right. Now
3 it's my understanding, I'm just, I'm looking at
4 the information that was given to me, that there
5 were, this matter was being protested by two
6 parties. Is that correct, Mr. Bianco?

7 MR. BIANCO: Yes, that's correct, Mr.
8 Anderson.

9 CHAIRPERSON ANDERSON: And we only
10 have the ANC today. And who were the two parties
11 who protested this matter?

12 MR. BIANCO: It's ANC 1B and
13 Westminster Neighborhood Association, WNA.

14 CHAIRPERSON ANDERSON: The Westminster
15 Neighborhood Association is not here today.

16 MR. BIANCO: As a result of that,
17 Mr. Anderson, we would move to dismiss their
18 protest.

19 CHAIRPERSON ANDERSON: Since they are
20 not here, this matter was scheduled, this matter
21 was scheduled for a protest hearing status at
22 10:30 this morning. These are virtual hearings.

1 It's 11:25. And the Westminster Neighborhood
2 Association is not here.

3 So since they're not here, and it is
4 required that if you are protesting, you have to
5 show up at this status hearing. I'm going to
6 make a motion that they, that Westminster
7 Neighborhood Association be dismissed from this
8 matter. Is there a second?

9 MEMBER CROCKETT: Ms. Crockett
10 seconds.

11 CHAIRPERSON ANDERSON: Ms. Crockett
12 has seconded the motion. Let's, we're going to
13 have a roll call vote on that motion.

14 (Roll Call)

15 CHAIRPERSON ANDERSON: Mr. Short?

16 MEMBER SHORT: I agree.

17 CHAIRPERSON ANDERSON: Mr. Cato?

18 MEMBER CATO: Bobby Cato, I agree.

19 CHAIRPERSON ANDERSON: Ms. Crockett?

20 MEMBER CROCKETT: Rafi Crockett, I
21 agree.

22 CHAIRPERSON ANDERSON: Ms. Hansen?

1 Ms. Hansen?

2 (No audible response)

3 CHAIRPERSON ANDERSON: Mr. Grandis?

4 MEMBER GRANDIS: I agree.

5 CHAIRPERSON ANDERSON: Mr. Anderson,
6 I agree. The matter passes 5-0-0. So the
7 Westminster Neighborhood Association, they will
8 have, they'll receive notice, and they'll, they
9 will be granted ten days to appeal this matter to
10 give us good cause why they were not here today.

11 If they do not appeal this matter
12 within the ten days and for the Board to consider
13 whether or not they have good cause why they were
14 not here today, they are permanently dismissed
15 from having standing in this case.

16 What that means Mr. Orlaskey, if we're
17 moving forward with this hearing, you can, if
18 they want to participate, you could call them as
19 witnesses, sir. But they do not have their own
20 standing to move forward unless this matter has
21 been overturned.

22 All right. Are there any other

1 preliminary matters? Any preliminary matters by
2 any other party?

3 MR. BIANCO: None from the applicant.

4 CHAIRPERSON ANDERSON: Mr. Orlaskey?

5 MR. ORLASKEY: None from the ANC.

6 CHAIRPERSON ANDERSON: All right,
7 then. This matter, then, is scheduled for a, I'm
8 sorry, a protest hearing on August 8th, at 1:30
9 p.m.

10 MR. BIANCO: Mr. Anderson, I actually
11 have that for August 31st. But I could double
12 check the date with the agency.

13 CHAIRPERSON ANDERSON: My record says
14 August 8th. And so, I will -- were you give that
15 date Mr. Orlaskey? Was that? Am I correct?

16 MR. ORLASKEY: I don't have it in
17 front of me. I can do the 31st. That's also
18 fine with me if that's better for Mr. Bianco.

19 MR. BIANCO: No, either is fine. I
20 just wanted to get clarification on the date.
21 I'll follow up with legal to make sure.

22 CHAIRPERSON ANDERSON: I'm online.

1 I'll try to get a response right now.

2 MR. BIANCO: Yes.

3 CHAIRPERSON ANDERSON: I'll get, I'll
4 get your response in just -- let's hold on for a
5 minute and I'll get you a response. While I'm
6 waiting to get the date, I just want to remind
7 both parties that seven days prior to the
8 hearing, you are required to do a PIP.

9 Both, both this case is for the
10 renewal. The applicant to renew the license.
11 Yes, seven days prior to the hearing, both sides
12 are required to do a PIP.

13 If a PIP is not done, then the Board
14 is empowered to prevent each side from relying on
15 documents and witnesses that have not been
16 disclosed seven days prior to the hearing.

17 If this matter goes to a hearing,
18 because the hearings are done virtually, you are
19 limited to 60 minutes to conduct your case. And
20 you are prohibited from calling more than five,
21 more than five witnesses.

22 All right. This matter then is

1 scheduled for the protest hearing on August 31st
2 at 1:30. So the hearing this, this is the
3 renewal case. And this, it's scheduled for the
4 protest hearing on August 31st at 1:30 p.m.

5 MR. ORLASKEY: This is, just one quick
6 question, this is for the renewal, not for the
7 substantial change. Right?

8 CHAIRPERSON ANDERSON: This is for the
9 renewal. This is for the renewal.

10 MR. ORLASKEY: All right. Thank you.

11 CHAIRPERSON ANDERSON: Okay. All
12 right. So August 31st at 1:30. Have a great
13 day. And thank you, very much.

14 MR. BIANCO: Thank you, Mr. Anderson.

15 CHAIRPERSON ANDERSON: You're welcome.

16 (Whereupon, the above-entitled matter
17 went off the record at 11:58 a.m.)
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22

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C E R T I F I C A T E

This is to certify that the foregoing transcript

In the matter of: VIP Lounge

Before: DC ABRA

Date: 07-13-22

Place: teleconference

was duly recorded and accurately transcribed under my direction; further, that said transcript is a true and accurate complete record of the proceedings.



Court Reporter

NEAL R. GROSS

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